



**Planning & Community  
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## **ACCESSORY DWELLING UNIT CONDITIONAL USE PERMITS**

### **What is an Accessory Dwelling Unit?**

The Liberty Lake Zoning Code, Chapter 14.816, allows the establishment of a small, second dwelling unit within a new or existing principal dwelling. This privilege does not exist for all zones. Check with the City's Planning & Community Development Department to see if your zone allows this extra dwelling unit. If you live in a PUD (Planned Unit Development), you will also need to check your neighborhood CCR's.

### **Why an Accessory Dwelling Unit?**

The City established this concept to:

- Provide older homeowners a means of obtaining rental income, companionship, security and services to enable them to continue residing in their existing larger homes;
- Add inexpensive rental units to the housing stock;
- Provide a continued cross section of age and income in neighborhoods that at times tend to have limited fluctuations; and
- Provide residential living assistance in a moderately independent environment.

### **How do I apply for approval?**

After deciding you can meet the following criteria and thoroughly investigating the applicable building regulations and associated construction costs, visit the City's Planning and Community Development Department and talk to our staff. The application process, requirements and fees will be explained. Upon return to our office with a complete conditional use permit application and required fees, a public hearing will be scheduled before the hearing body at the next available hearing date. After receiving a written decision approving the conditional use permit, you may then apply for the appropriate building permits.

***NOTE: A purchaser of a house containing an existing conditional accessory unit must apply for a conditional use permit as if they were constructing the original unit.***

### **What standards and criteria do I need to meet?**

#### **BUILDING & ZONING CODE**

What you are creating is a second dwelling unit in your present, or proposed, single family residential structure. It will be a separate living space, with a kitchen, bathroom, bedroom, and living room, and a separate entrance from that of the principal, larger dwelling . . . in effect a duplex. Not all zones allow an accessory unit, and those that do require obtaining a "***CONDITIONAL USE PERMIT***" through a public hearing process. This conditional use permit assures that the accessory unit will be compatible with the neighborhood and adjacent properties and generally will comply with certain standards.

Conditional accessory units, once approved by Planning and Community Development, must be inspected to verify that certain life safety issues set forth in the State Building Code Act have been addressed prior to occupancy.

***These requirements are noted in italics in the following discussion.***

These regulations are administered by the Planning and Community Development Department. At a minimum, a safety inspection is required. It is recommended that the inspection be obtained from the Planning and Community Development Department prior to proceeding with a conditional use permit. During the inspection, potential construction requirements associated with development of the conditional accessory unit can be addressed.

Additional permits and inspections, such as those relating to plumbing and mechanical alterations, may be required prior to construction or alteration.

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A conditional accessory unit must meet the following criteria, in addition to others that might be imposed under the conditional use permit. Those in, “regular type”, are zoning standards and those in, “*italics*”, are building code regulations:

- The property owner must continually occupy one of the units.
- Only one accessory unit can be developed in a residential structure.
- The resulting structure must substantially maintain the appearance of a single family structure.
- Additions associated with construction of the accessory unit shall not increase the overall structure's square footage by more than 10%.
- No home profession, home industry or daycare can exist in either one of the units.
- At least 3 off street parking spaces must exist, preferably outside the front yard.
- The accessory unit privilege exists only in the following zones:
  1. General Agricultural
  2. Rural Residential - 10
  3. Semi-Rural Residential - 5
  4. Semi-Rural Residential - 2
  5. Suburban Residential - 1
  6. Suburban Residential - 1/2
  7. Urban Residential - 3.5
  8. Rural Settlement
- The combined square footage of livable space must be greater than 1200 square feet.
- The accessory unit must meet the following limitations/requirements:
  1. no greater than 30% of the total livable floor area;
  2. no greater than 700 square feet;
  3. not less than 300 square feet;
  4. 2 bedrooms or less.
  5. A living room of not less than 220 square feet needs to be provided. An additional 100 square feet of superficial floor area also needs to be provided for each occupant of the unit in excess of two.
- A conditional accessory unit permit may be granted for 2 years and administratively extended thereafter, pending continued compliance with these standards and any approval criteria.
- The space in the accessory unit can only be occupied by one family group.
- Water supply and sanitary waste disposal shall be adequate, contact the sewer and water district.
- Special rules exist in the Aquifer Sensitive Area. Contact the Environmental Health District for further information.
- *Walls and/or floors separating dwelling units must meet one-hour fire-resistive construction requirements.*

*This usually means the installation of 5/8 inch type “X” gypsum wall board on each side of 16 inch center framing, but may vary depending on your existing construction.*
- *A separate closet must be provided.*
- *A kitchen sink, cooking appliance and refrigeration facilities need to be provided, each having a clear working space of not less than 30 inches in front. Light and ventilation in the unit must also be considered.*
- *A separate bathroom containing a water closet, lavatory, and bathtub or shower is necessary.*
- *Emergency egress is required from all sleeping rooms. This can be an exterior door or window*
- *If a window is provided, it must meet the following:*
  1. *Net clear opening 5.7 square feet*
  2. *Net clear opening height 24 inches*
  3. *Net clear opening width 20 inches*
  4. *Finished sill height 44 inches above the floor (maximum)*
- Separate access/exit is required by the Zoning and Building Code.

The exit from the unit needs to be a minimum of a 3-foot exterior door.
- *Separate heating system:*

*The Uniform Mechanical Code requires that the return air from a heating system not be circulated from one dwelling unit to another. This may require a separate heating system be installed, unless you utilize electric baseboard heat. Any existing forced air heating/cooling ducts serving space to be occupied by the new unit will need to be closed and sealed. If electric baseboard heat is installed to serve as the heating system for the new unit, it may require upgrades to your electrical service.*

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- *Smoke detectors:*

*Power source: In new construction smoke detectors need to receive their primary power from the building wiring and shall be equipped with a battery backup. The detector must emit a signal when the batteries are low. Wiring is to be permanent and without a disconnecting switch other than those required for over-current protection. Smoke detectors may be solely battery operated when installed in existing buildings.*

*Location within dwelling units: A detector must be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on all levels. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.*

For more information or an appointment contact:  
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